

DRAWING AMENDMENTS

Please cancel Drawing Sheet 31 containing Figs. 63-64 and substitute therefor Replacement Drawing Sheet 31 containing Figs. 63-64. By this amendment, Fig. 63 is amended to add the following references characters: 522 (for the lancing opening), 523 (for the stimulating opening), 587 (for the stimulator drive surface), 547 (for the lancet drive surface), and 521 (for the drive member contact surface). In addition, Fig. 63 is amended to add the centerlines of the travel paths of the lancet and the stimulator. These amendments are made to include reference characters added to the specification. No new matter has been added.

REMARKS

The Office Action mailed January 22, 2008, has been received and reviewed. By the present Response, Claims 1-2, 5-8, 10-12, 16-19, 21, and 30 are canceled, Claims 26, 29, and 32 are amended, and new Claims 37-45 are added. Currently pending in the application, then, are Claims 26-29 and 31-45, of which Claims 26 and 42 are independent. No new matter has been introduced by this Response. The Applicant respectfully traverses the rejections and requests reconsideration.

Information Disclosure Statement

The Examiner notes that the IDS filed on July 12, 2004 did not comply with the rules because it did not include a copy of all of the cited non-patent documents. The Applicant notes that the Examiner has initialed the IDS indicating that consideration has been given to all of the cited US patent documents and one of the cited non-patent documents (Cite No. "Y"). A supplemental IDS has been filed herewith listing and including a copy of each of the other cited non-patent documents (Cites Nos. "Z" and "AA" through "AH").

Specification

The specification has been amended to refer to elements now positively recited in the claims. These added elements are shown in the drawings as filed and are inherent in the disclosure of the application as filed, so no new matter has been added.

Drawings

The drawings stand objected to for not showing every feature of the invention specified in the claims. The drawings have been amended to add reference characters for elements now positively recited in the claims. These elements are shown in the drawings as filed and are inherent in the disclosure of the application as filed, so no new matter has been added.

Claim Rejections – 35 USC § 102

Claims 1-2, 5-6, 8, 11-12, 16-17, and 26-36 stand rejected under 35 USC § 102(b) as being anticipated by Verdonk (US 6,306,152). Claims 1-2, 5-6, 8, 11-12, 16-17, and 30 are canceled. With respect to the remaining claims, the Applicant respectfully traverses.

The Verdonk reference discloses a lancing device with a skin stabilizer. The skin stabilizer has an annular “barrel” 154 with a central bore 156 through which the lancet 104 slides (see col. 6, lines 31-34). In addition, the front end of the barrel 154 has a single opening 161 and a surface that “encircles” the opening, both the lancet 104 and the barrel extend through the opening 161 during the lancing operation, and both the lancet and the barrel are in a housing 164 that is “cylindrical” (see col. 6, lines 52-58). Thus, this is a cylindrical device in which the lancet 104 and the barrel 154 are coaxially arranged so that the front surface of the barrel presses on the skin surrounding the puncture site to stabilize the skin prior to the puncture by the lancet.

On the other hand, the invention of amended Claim 26 is a lancing device having a lancet and stimulator that are arranged side-by-side so that their travel paths are parallel, not coaxial. The stimulator contacts the skin to cause a distraction just before the lancet punctures the skin, but the stimulator does not encircle the puncture site. In this way, the patient is distracted by a stimulation at a site adjacent to the puncture site, rather than being focused on the puncture site by a stimulation encircling the puncture site.

For these reasons, Claim 26 as amended is believed to be in condition for allowance. Claims 27-29 and 31-36 depend from Claim 26, so they too are believed to be in condition for allowance.

In addition, Claim 29 recites the lancing device including separate, dedicated return springs for the lancet and the stimulator, which springs are in addition to the drive spring. Other than the Verdonk reference, however, lancing devices with some sort of a stimulator/stabilizer are not known in the art, and Verdonk does not disclose a separate, dedicated return spring for its stabilizer.

And Claims 35 and 36 recite the stimulator being longer than the lancet, which provides for the timing of the stimulator and the lancet contacting the skin. In the Verdonk reference, however, the stabilizer barrel and the lancet are the same length, and the lancet slides within the stabilizer barrel to provide for the timing of the stabilizer barrel and the lancet contacting the skin.

For these additional reasons, Claims 29, 35, and 36 are believed to be in condition for allowance. Accordingly, withdrawal of the rejections of Claims 26-29 and 31-36 is respectfully requested.

New Claims

New Claims 37-45 are added to recite additional patentable subject matter. These claims add elements disclosed in the application as filed, so no new matter is added.

Claims 37-41 depend from Claim 26, which is believed to be in condition for allowance for the reasons set forth above, so these claims are also believed to be in condition for allowance.

In addition, Claims 37 and 38 recite the housing having two separate openings for the lancet and the stimulator, with the lancet and stimulator openings being arranged side-by-side (see FIG. 63). In the Verdonk reference, however, the housing has only a single opening through which both the stabilizer barrel and the lancet coaxially extend.

And Claim 41 recites that the drive member drives the lancet and the stimulator so that they travel substantially the same distance (see para. 146, second sentence). In the Verdonk reference, however, the stabilizer barrel travels a shorter distance than the lancet, which continues traveling within the bore of the stabilizer barrel after the stabilizer barrel stops.

Independent Claim 42 includes the same elements as Claims 26, 27, 28, 32, and 41. For the same reasons as set forth above with respect to those claims, Claim 42 is believed to be in condition for allowance. Claims 43-45 depend from Claim 42, so they too are believed to be in condition for allowance.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that the application has now been placed in full condition for allowance. Accordingly, the Applicant respectfully requests early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone the Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,
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